

router testing for line shared loop provisioning that it provides to itself in any central office in which Qwest has deployed or will deploy Qwest DSL in the future. This test, while performed in a non-designed flow, will confirm data continuity between a Qwest DSL test set and the CLEC Digital Subscriber Line Access Multiplexer (“DSLAM”). If the router test results in a failure to confirm data continuity, the order will be placed in jeopardy status until the fault is isolated and corrected by the responsible party in the provisioning process without the need for repair. Stewart Line Sharing Decl. ¶ 35.

In a line splitting arrangement, the voice service is provided to the end user by a CLEC over UNE-P. Qwest’s ordering and provisioning processes for line splitting are much the same as those for line sharing. The only difference between the two offerings is that in a line splitting arrangement, the CLEC, rather than a Qwest end user, is the customer of record for the voice service. *Id.* ¶¶ 43-51.

The ACC held an open meeting on May 28, 2002, to discuss its proposed final order on line splitting and NIDs, which included a discussion of UNE-P with Qwest DSL and DSL provided by Microsoft Network LLC (“MSN”). At that meeting, Qwest reiterated its commitment to providing Qwest DSL to CLECs providing voice service to end users *via* UNE-P. Qwest also clarified that where the Qwest network is utilized by Internet service providers, such as MSN, to provide a bundled DSL and Internet access/content service to end users, Qwest lacks the authority to guarantee that the DSL service will be maintained if the end user switches to voice service *via* UNE-P, because that decision must be made by the ISP. On May 31, 2002, Qwest filed a revised SGAT to comply with the proposed order as it concerned NIDs and line splitting SGAT provisions. In the accompanying cover pleading, Qwest offered to facilitate, upon CLEC request, negotiations between the CLEC and the ISP for the purpose of seeking uninterrupted delivery of the finished DSL service when an end user switches to UNE-P for

voice service. The ACC issued its final order on June 5, 2002, approving Qwest's line splitting offering. 29/

Qwest is able to meet CLECs' demand for line sharing in commercial volumes. As of May 31, 2003, Qwest had 35,338 unbundled shared loops in service across its 14-state region. This figure included 3,654 shared loops for four CLECs in Arizona. *Id.* ¶ 41. Qwest's commercial performance with respect to line sharing in Arizona between March and June 2003 has been excellent.

Line sharing is generally provisioned without dispatching a technician. Under the measurement for installation commitments, which is measured against a 95% benchmark, Qwest surpassed the benchmark in every month between March and June 2003. Qwest also met the benchmark for average installation interval in all four months. For every other installation measurement, the performance standard is parity with comparable retail service. Between March and June, Qwest did not record a single disparity between retail and wholesale performance under any installation PID.

Qwest's repair record for line-sharing orders also is impressive. Between March and June, Qwest achieved the performance standard in all four months for the out of service cleared within 24 hours, all troubles cleared within 48 hours, and mean time to restore measurements for non-dispatch repairs, as well as for the trouble rate measurement. Qwest also met the performance standard in three of four months for the all troubles cleared within 48 hours

29/ MCI filed comments with the ACC on July 3, 2002, arguing that further changes to the SGAT were necessary, but the ACC has not changed its position. Qwest is in compliance with the ACC's final order on line splitting and has made all necessary changes to its SGAT. Furthermore, Qwest's policies and practices with respect to line splitting in Arizona are identical in all significant respects to those the Commission approved in Qwest's previous applications. *See, e.g., Qwest 9-State Order*, 17 FCC Rcd at 26491-95 ¶¶ 342-47. Qwest is thus in compliance with Section 271 with respect to line sharing and line splitting in Arizona.

and mean time to restore measurements for dispatch repairs. For the measurements out of service cleared within 24 hours for dispatch repairs and mean time to restore for both dispatch and non-dispatch repairs, Qwest met the standard in two of four months. Although Qwest recorded some disparities in earlier months, Qwest met the standard for all measurements in the most recent two months, May and June.

As of May 31, 2003, Qwest had one line splitting arrangement in service in Arizona, and had 206 in service regionwide. *Id.* ¶ 43. The TAG did not establish any performance measurements for line splitting.

5. Checklist Item 5: Unbundled Local Transport and Dark Fiber

Qwest is complying with its obligation to offer “[l]ocal transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services.” 47 U.S.C. § 271(c)(2)(B)(v). Qwest provides this service for dedicated transport, shared transport and dark fiber transport. Qwest has concrete and specific legal obligations pursuant to Sections 9.6, 9.8, 9.9 and 9.12 of its SGAT to provide CLECs with unbundled dedicated transport on a nondiscriminatory basis. The Arizona Commission found Qwest’s unbundled local transport and dark fiber offering to be in compliance with the requirements of Section 271. Declaration of Karen A. Stewart, Unbundled Local Transport (“Stewart Transport Declaration”), Att. 5, App. A, ¶¶ 8, 25-28; Declaration of Karen A. Stewart, Dark Fiber (“Stewart Dark Fiber Decl.”), Att. 5, App. A, ¶¶ 4, 26-31; *Arizona Checklist Item 5 Approval Order* at 12; *ACC Emerging Services Final Order* at 28. In addition, this Commission previously has determined that Qwest meets the requirements of this checklist item in each of the other states in its region. *Qwest 9-State Order*, 17 FCC Rcd at 26497 ¶ 350; *Qwest 3-State Order* ¶ 99; *Qwest Minnesota Order* ¶ 59.

a) Dedicated Transport

Dedicated transport refers to “ILEC transmission facilities dedicated to a particular customer or carrier that provide telecommunications between wire centers owned by ILECs or requesting telecommunications carriers, or between switches owned by ILECs or requesting telecommunications carriers.” *Local Competition First Report and Order* ¶ 440. Qwest’s dedicated transport offerings provide CLECs with a single transmission path between Qwest end offices, serving wire centers, or tandem switches in the same LATA and state; they also include a bandwidth-specific transmission path between the Qwest serving wire center and the CLEC’s wire center or an interexchange carrier’s point of presence located within the same Qwest serving wire center area. Stewart Transport Declaration ¶ 9. Qwest offers dedicated transport in DS0 through OC-192 bandwidths, as well as such higher capacities as evolve over time. *Id.*

If a CLEC orders a UNE combination that includes dedicated transport facilities, Qwest will perform requested and necessary cross connections between UNEs in the same manner that it would perform such cross connections for its own end user customers. *Id.* ¶ 11. When transport is ordered separately (*i.e.*, not as part of a UNE combination), the CLEC is responsible for performing cross connections at its collocation or other mutually determined demarcation point, but such cross connections are not required when a CLEC orders a continuous dedicated transport element from one point to another. *Id.* To the extent that collocation is required for a CLEC to take advantage of dedicated transport facilities, the CLEC may utilize any form of collocation. *Id.*

(1) Qwest Is Providing Commercial Volumes at an Acceptable Level of Quality

Qwest's commercial volumes and performance demonstrate that Qwest is providing dedicated transport to CLECs in Arizona in a nondiscriminatory manner. As of May 31, 2003, Qwest had in service 639 DS1 transport facilities and 83 DS3 transport facilities for eight CLECs in Arizona. *Id.* ¶ 16.

(2) Qwest's Commercial Performance is Excellent

Installation Performance. Qwest is provisioning unbundled local transport to CLECs in a nondiscriminatory manner. From March through June 2003, where there are data to report, DS1 and DS3 transport service quality was outstanding: Qwest met 100% of its CLEC installation commitments and achieved parity between retail and wholesale performance in every month for every installation performance measurement, with only a single month disparity under a single metric (DS1 installation in March 2003) in Interval Zone Two. Buhler Decl. ¶¶ 189-90.

Maintenance and Repair Performance. Qwest's maintenance and repair performance in Arizona was exceptional. Under each of the primary performance measurements for UDIT DS1 maintenance and repair – trouble clearance, mean time to restore service, repeat trouble rate, and trouble rate – Qwest achieved parity between wholesale and retail performance in every month with activity over the last four months. *Id.* ¶ 191. Performance for DS3 transport was also excellent: there was only a single statistically significant disparity between wholesale and retail performance from March through June 2003 for all DS3 maintenance and repair measures (relating to trouble rate March 2003). *Id.* ¶ 192. These results clearly demonstrate Qwest's non-discriminatory provision of unbundled local transport.

b) Shared Transport

Shared transport consists of transmission facilities shared by more than one carrier, including Qwest, between end office switches, between end office switches and local tandem switches, and between local tandem switches in Qwest's network. Stewart Transport Decl. ¶ 17. Qwest provides shared transport transmission facilities between end office switches, between end office and tandem switches, and between tandem switches in its network, as required by the Commission. *Id.* Qwest provides shared transport in a way that enables the traffic of a CLEC to be carried on the same transport facilities that Qwest uses for its own traffic. *Id.*

ILECs are required to provide unbundled shared transport only where they also provide unbundled switching (as this Commission has noted, it is not technically feasible for a competitor to use shared transport with self-provisioned switching). *Id.* ¶ 18; *UNE Remand Order* ¶ 372. In compliance with this requirement, Qwest offers unbundled shared transport in conjunction with unbundled local switch ports and as part of combinations such as its UNE-P offering. Stewart Transport Decl. ¶ 18. Shared transport is automatically provisioned when a CLEC orders unbundled switching unless the CLEC requests otherwise. *Id.*

Qwest has demonstrated its ability to provide shared transport through its success in provisioning UNE-P, a standard UNE combination that consists of an unbundled loop, shared transport and unbundled switching. *Id.* ¶ 22.

c) Dark Fiber Transport

The FCC has identified dark fiber as a network element that must be unbundled in both the loop plant and interoffice facilities. *UNE Remand Order* ¶ 326. The FCC's unbundling requirements went into effect for dark fiber on May 17, 2000. 47 C.F.R. § 51.319(d). Following the release of the *UNE Remand Order*, Qwest modified its SGAT to include a legally binding

obligation to provide unbundled access to deployed dark fiber. Stewart Dark Fiber Decl. ¶ 5.

Qwest's dark fiber offerings include access to existing interoffice, loop and subloop dark fiber, in accordance with FCC requirements. *Id.*

Qwest provides unbundled dark fiber of the same quality as the fiber facilities that Qwest uses to provide service to its own end user customers. *See* SGAT § 9.7.2.1. Qwest reserves a nominal quantity (not more than five percent of the fibers in a sheath or two strands, whichever is greater) of fibers in a cable to maintain network survivability and reliability. Stewart Dark Fiber Decl. ¶ 8. CLECs may obtain up to 25% of available dark fibers or four dark fiber strands, whichever is greater, in each fiber cable segment over a twelve-month period. *Id.* Qwest does not reserve fiber for unknown and unspecified future growth; it retains for its own use only fiber that has been specifically earmarked to serve customer needs in the near future. *Id.*

As of May 31, 2003, 14 dark fiber loops and three dark fiber transport facilities were in service in Arizona. *Id.* ¶ 23. In general, Qwest has received so few provisioning requests for unbundled dark fiber within Arizona, as well as throughout the entirety of its fourteen-state region, that meaningful evaluation of the data is difficult. *Id.* ¶ 25. Through the OSS Test, Qwest's responses to CLECs' dark fiber inquiries and provisioning requests have been analyzed and thoroughly refined, completely satisfying the relevant dark fiber evaluation criteria. CGE&Y Report at 5.

Qwest's new and improved ordering and provisioning process ensures nondiscriminatory treatment once CLECs begin to request unbundled dark fiber in significant quantities. *Id.* ¶ 15. The CGE&Y-approved nondiscriminatory ordering and provisioning processes outlined in this application establish that Qwest meets its dark fiber obligations.

Qwest is complying with its obligation to offer “[l]ocal transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services.”

47 U.S.C. § 271(c)(2)(B)(v). Qwest provides this service for dedicated transport, shared transport and dark fiber transport. Qwest has concrete and specific legal obligations pursuant to Sections 9.6, 9.8, 9.9 and 9.12 of its SGAT to provide CLECs with unbundled dedicated transport on a nondiscriminatory basis.

6. Checklist Item 6: Unbundled Local Switching

Unbundled Local Switching. Qwest satisfies the requirements of Section 271(c)(2)(B)(vi) of the Act concerning unbundled local switching. Qwest provides local circuit switching unbundled from transport, local loops and other services. *See generally* Declaration of Lori A. Simpson and Karen A. Stewart, Unbundled Switching and Packet Switching (“Simpson/Stewart Switching Decl.”), Att. 5, App. A; *see also* 47 U.S.C. §§ 251(c)(3); 47 C.F.R. § 51.319(c)(1). As required by the Commission, Qwest provides access to line-side and trunk-side facilities, basic switching functions, vertical features, and customized routing. *New York 271 Order*, 15 FCC Rcd at 4127-29 ¶¶ 343, 346; *Kansas/Oklahoma 271 Order*, 16 FCC Rcd at 6361 ¶ 242; Simpson/Stewart Switching Decl. ¶¶ 11-14. Qwest also provides access to local tandem switching facilities in a nondiscriminatory manner, as required by the Act and the Commission’s rules. 47 C.F.R. § 51.319(c)(3); Simpson/Stewart Switching Decl. ¶¶ 32-34.

Qwest offers unbundled local switching in combination with other UNEs or on a stand-alone basis. SGAT §§ 9.23 and 9.11; Simpson/Stewart Switching Decl. ¶ 14. All the features, functions and capabilities of Qwest’s switches are available to CLECs that purchase unbundled local switching, including access to all vertical switch features that are loaded in a Qwest switch. SGAT § 9.11.2.1; Simpson/Stewart Switching Decl. ¶¶ 12-14, 20-23. Even though not required to do so by this Commission, Qwest allows CLECs to request features that

are not currently resident in the switch and to purchase features in any technically feasible combination. *Id.* ¶ 21; *see also Louisiana II 271 Order* at 20727-28 ¶¶ 218-19.

No CLEC in Arizona has ordered unbundled switching. However, Qwest does successfully and promptly install and repair unbundled local switching as part of UNE-P for CLECs in commercial volumes. Simpson/Stewart Switching Decl. ¶ 18. Qwest's UNE-P performance is discussed in this brief under Checklist Item 2, Section III(B)(2), above.

Packet Switching. Qwest offers CLECs unbundled packet switching in a nondiscriminatory manner when the four conditions established by the Commission are met in a specific geographic area. SGAT § 9.20.2.1; Simpson/Stewart Switching Decl. ¶¶ 41-43. Unbundled packet switching provides the functionality of delivering and routing packet data units *via* a virtual channel to a CLEC demarcation point. Unbundled packet switching includes transport facilities, ATM electronics, and the DSLAM functionality with the routing and addressing functions of the packet switch necessary to generate the virtual channel. Packet switching may also include use of a shared, line-split or distribution subloop. To date, no CLECs have ordered packet switching from Qwest. Simpson/Stewart Switching Decl. ¶ 48.

7. Checklist Item 7: Access to 911, Enhanced 911, Directory Assistance, and Operator Call Completion Services

a) 911 and Enhanced 911 Services

Qwest offers CLECs unbundled access to its 911 and Enhanced 911 ("E911") services, databases and interconnection, including the provision of dedicated trunks from CLECs' switching facilities to the 911 control office, at parity with what Qwest provides to itself. *See* 47 U.S.C. § 271(c)(2)(B)(vii). Qwest maintains 911 database entries for CLECs with the same accuracy and reliability that it maintains entries for its own customers. Declaration of Margaret S. Bumgarner, 911 and E911 Access ("Bumgarner 911 Decl."), Att. 5, App. A,

¶¶ 19-23. From an end user's perspective, a CLEC's 911 and E911 services, provided through access to Qwest's network, are indistinguishable from Qwest's 911 and E911 services. *Id.* ¶ 17. The Arizona Commission has found that Qwest satisfies Checklist Item 7(I). *Id.* ¶¶ 3, 45-47; *Arizona Checklist Item 7 Second Supplemental Approval Order* at 8-9; *Arizona Checklist Item 7 First Supplemental Approval Order* at 3-4; *Arizona Checklist Item 7 Approval Order* at 4. Moreover, this Commission previously has determined that Qwest meets the requirements of this checklist item in each of the other states in its region. *Qwest 9-State Order*, 17 FCC Rcd at 26505, ¶ 363; *Qwest 3-State Order* ¶ 109; *Qwest Minnesota Order* ¶ 59.

Qwest's E911 database is managed by a third party, Intrado, Inc. ("Intrado") (formerly SCC Communications Corp.). Bumgarner 911 Decl. ¶ 6. The SGAT and Qwest's contract with Intrado require Qwest to provide and manage database entries for CLECs with the same accuracy and reliability as that provided for Qwest. *Id.* Qwest offers the same database updates for reseller CLECs and CLECs using unbundled local switching that Qwest provides for its own customers. *Id.* Facilities-based CLECs with their own switches make direct arrangements with Intrado for providing database updates. *Id.* CLECs make the same direct arrangements with Intrado for providing and processing database updates that Qwest makes with Intrado. Qwest, through Intrado, provides CLECs with nondiscriminatory error correction for database records. *Id.*

(1) Qwest Is Providing Commercial Volumes at an Acceptable Level of Quality

Enhanced 911 service is available in most of Arizona. However, a few areas are still served by Basic 911 service. As of May 31, 2003, Qwest had in service 273 E911 trunks for 18 facilities-based CLECs in the state. *Id.* ¶ 48. Qwest also was providing access to 911/E911 service for 36 reseller CLECs and CLECs using unbundled local switching in Arizona. *Id.*

(2) Qwest's Commercial Performance Is Excellent

With respect to the average time required for Qwest to update the E911 database, due to the nondiscriminatory manner ("parity by design") in which these updates are performed, the performance results are not disaggregated for Qwest and CLECs. Buhler Decl. ¶ 198. The E911 database updates (completed service orders) for Qwest and CLECs are commingled and sent together in a batch data transmission at the end of each business day. Bumgarner 911 Decl. ¶ 31.

Qwest's performance results for the 911/E911 trunk installation PIDs show that there were no CLEC demands for trunk installations from March through June 2003. Buhler Decl. ¶ 199. However, region-wide Qwest met 100% of its CLEC installation commitments during this period. *Id.* In addition, region-wide for each month from March through June 2003, CLEC 911/E911 trunks were trouble free for 30 calendar days following installation. *Id.*

The four-month average trouble rate for CLEC 911/E911 trunks was at parity in all four months. *Id.* ¶ 200. All trouble reports in April 2003 were cleared in less than two hours, nine minutes, beating the four-hour target (there were no trouble reports in March, May or June 2003). *Id.* In the same period, Intrado updated the E911 database for Qwest and CLECs in an average of between 1 hour, 45 minutes and 2 hours, 27 minutes. *Id.*

b) Directory Assistance Services and Operator Services

Qwest also offers CLECs nondiscriminatory access to directory assistance services and databases and operator services. 47 U.S.C. §§ 271(c)(2)(B)(vii)(II), (III); 251(b)(3). Qwest provides CLECs access to the same directory assistance services and operator services that Qwest provides to its retail end user customers. Declaration of Lori Simpson, Directory Assistance and Operator Services ("Simpson DA/OS Decl."), Att. 5, App. A, ¶ 4. All callers, regardless of the caller's or called party's local service provider, can access Qwest's directory

assistance by dialing the same numbers (e.g. “411,” “1+411,” or “1+NPA+555-1212,”), and can access operator services by dialing “0” or “0” plus a telephone number. *Id.* The design of Qwest’s processes for providing directory assistance services and operator services ensures that all calls are handled in the same manner regardless of whether they are originated by CLEC end users or by Qwest end users. *Id.* Qwest handles all directory assistance and operator calls on a first-come, first-served basis. *Id.* Qwest also provides branding for CLECs that purchase these services from Qwest. *Id.* Qwest makes Qwest personnel available to CLECs to assist them in accessing Qwest’s directory assistance services and operator services. *Id.* The Arizona Commission has found that Qwest satisfies Checklist Items 7(II and III). *Id.* ¶¶ 3, 59-61; *Arizona Checklist Item 7 Second Supplemental Approval Order* at 8-9; *Arizona Checklist Item 7 First Supplemental Approval Order* at 3-4; *Arizona Checklist Item 7 Approval Order* at 4. In addition, this Commission previously has determined that Qwest meets the requirements of this checklist item in each of the other states in its region. *Qwest 9-State Order*, 17 FCC Rcd at 26505-06 ¶ 364; *Qwest 3-State Order* ¶ 110; *Qwest Minnesota Order* ¶ 59.

Qwest also offers nondiscriminatory access to its directory assistance database, on a real-time, “per dip” basis, to CLECs that elect to provide directory assistance or operator services themselves or through a third party. *Simpson DA/OS Decl.* ¶ 41. In addition, a CLEC can purchase access in bulk to Qwest’s directory assistance database in order to create its own directory assistance database. *Id.* ¶ 42.

(1) Qwest Is Providing Commercial Volumes at an Acceptable Level of Quality

As of May 31, 2003, Qwest was providing directory assistance and operator services to 36 reseller and/or UNE-P CLECs in Arizona. *Id.* ¶¶ 62. As of the same date, Qwest

had in service 93 directory assistance trunks for three facilities-based CLECs, and 268 operator service trunks for eleven facilities-based CLECs in the state. *Id.*

(2) Qwest's Commercial Performance Is Excellent

With respect to the average time required for Qwest's directory assistance system and operator service system to answer calls, due to the nondiscriminatory manner ("parity by design") in which such calls are answered, the performance results are not disaggregated for Qwest and CLECs. Buhler Decl. ¶ 202. From March through June 2003, Qwest's directory assistance system answered calls in an average of between 7.14 and 8.23 seconds. *Id.* ¶ 203. Qwest's operator service system answered calls in an average of between 7.77 and 8.55 seconds. *Id.*

8. Checklist Item 8: White Pages Listings

Qwest provides CLECs with white pages directory listings that are nondiscriminatory in appearance and integration, and that have the same accuracy and reliability that Qwest provides for its own customers. 47 U.S.C. § 271(c)(2)(B)(viii); Declaration of Lori Simpson, White Pages Directory Listings ("Simpson White Pages Decl."), Att. 5, App. A, ¶ 11. The Arizona Commission has found that Qwest satisfies Checklist Item 8. Simpson White Pages Decl. ¶¶ 3, 28-29; *Arizona Checklist Items 8/9/12 Approval Order* at 3. Moreover, this Commission previously has determined that Qwest meets the requirements of this checklist item in each of the other states in its region. *Qwest 9-State Order*, 17 FCC Rcd at 26514-15 ¶ 379; *Qwest 3-State Order* ¶ 111; *Qwest Minnesota Order* ¶ 59.

Qwest's white pages listings service includes (1) placing and updating the names, addresses, and telephone numbers of CLEC end user customers in Qwest's listings databases consistent with the CLEC's instructions, and (2) furnishing listings to Dex and third-party directory publishers on a nondiscriminatory basis for use in publishing local white pages

directories, also consistent with the CLEC's instructions. Simpson White Pages Decl. ¶ 14. Qwest offers CLECs exactly the same listings options (primary, premium, and privacy) that Qwest provides to its own customers, with the same level of confidentiality. *Id.* ¶¶ 15-17.

Primary listings are included in both the white pages of the local telephone directory and Qwest's directory assistance database. *Id.* ¶ 15. Qwest provides one primary listing for each main telephone number at no charge to CLECs. *Id.* Premium listings also are included in both the local white pages directories and Qwest's directory assistance database. *Id.* ¶ 16. Nonpublished telephone numbers are omitted from both Qwest's directory assistance database and white pages directories. *Id.* ¶ 17. Qwest treats CLEC end user listings with the same level of confidentiality as Qwest's end user listings. *Id.*

Qwest integrates CLEC end user listings with Qwest, other CLEC, and independent telephone company listings in Qwest's listings database. Qwest's processes for entry and publication of white pages directory listings make no distinction between customers of CLECs and customers of Qwest. *Id.* ¶ 18. Qwest provides its integrated listings to Dex and to other directory publishers for the purpose of publishing white pages directories. SGAT § 10.4.2.8.

In addition, white pages directory listings for both Qwest end user and CLEC end user customers appear in the same font, size, and typeface, and without any separate classification or distinguishing characteristics. SGAT § 10.4.2.10. White pages listings for CLEC customers are included alphabetically and are indistinguishable from Qwest's listings. Simpson White Pages Decl. ¶ 18.

Qwest uses the same procedures for Qwest listings and CLEC listings to ensure that CLEC end users receive listings with the same accuracy and reliability that Qwest provides for its own end users. *Id.* ¶¶ 24-30. Qwest and CLEC end user listings are commingled in the

Qwest listings database. *Id.* ¶ 24. Qwest submits a single daily listings file containing commingled listings to its directory publisher, Dex, for inclusion in white pages directories. *Id.* Dex publishes CLEC and Qwest end user listings under the terms and conditions of the contract between Qwest and Dex. *Id.*

a) Qwest Is Providing Commercial Volumes at an Acceptable Level of Quality

As of May 31, 2003, Qwest had included a total of 270,459 Arizona CLEC listings in its listings database and submitted those listings that are non-private listings to Qwest's directory publisher. *Id.* ¶ 40.

b) Qwest's Commercial Performance is Excellent

With respect to the average time required for Qwest to complete updates to the directory assistance database, due to the *nondiscriminatory manner* ("parity by design") in which these updates are processed, the performance results are not disaggregated for Qwest and CLECs. Buhler Decl. ¶ 205. From March through June 2003, Qwest completed updates to the directory listings database in an average of between 0.14 and 0.20 seconds. *Id.* ¶ 206. In the same period, Qwest completed from 99.38% to 99.44% of all updates without error. *Id.*

9. Checklist Item 9: Numbering Administration

Qwest follows both industry guidelines and the FCC's rules regarding numbering administration. Qwest has concrete and specific legal obligations pursuant to Section 13.2 of its SGAT and its ACC-approved interconnection agreements to comply with industry guidelines and FCC rules regarding numbering administration. Declaration of Margaret S. Bumgarner, Numbering Administration ("Bumgarner Numbering Admin. Decl."), Att. 5, App. A, ¶ 14. The Arizona Commission has found that Qwest satisfies Checklist Item 9. *Id.* ¶¶ 6, 22-23; *Arizona Checklist Items 8/9/12 Approval Order* at 3. In addition, the Commission previously has

determined that Qwest meets the requirements of Checklist Item 9 in each of the other states in its region. *Qwest 9-State Order*, 17 FCC Rcd at 26514-15 ¶ 379; *Qwest 3-State Order* ¶ 111; *Qwest Minnesota Order* ¶ 59.

Qwest stopped performing any numbering administration or assignment functions on September 1, 1998, when the Commission transferred those functions to Lockheed Martin (and later to NeuStar), as the North American Numbering Plan Administrator (“NANPA”). Bumgarner Numbering Admin. Decl. ¶ 15. Since that time, Qwest has complied with all industry guidelines and Commission rules applicable to carriers with respect to numbering administration. *Id.* ¶¶ 15-17, 21. For example, Qwest provides accurate reporting of numbering data to NeuStar in accordance with the Alliance for Telecommunications Industry Solutions Central Office Code (“NXX”) Assignment Guidelines (“Assignment Guidelines”) and the Commission’s number assignment rules. *Id.* ¶ 15-17. Qwest also provides accurate and complete information regarding routing information, rating information, and effective dates for NXX codes assigned to Qwest to the national Local Exchange Routing Guide (“LERG”). *Id.*

Qwest has devoted resources and implemented processes to ensure that it completes the programming of its switches necessary to recognize new NXX codes accurately and prior to NXX code activation dates. *Id.* Qwest also has implemented procedures that CLECs can follow to report suspected problems with NXX code activations. *Id.* For NXX codes, Qwest complies with the Assignment Guidelines and with the Commission’s number assignment rules in administering the numbers within those NXX codes and in applying for new NXX codes. *Id.* ¶ 21

The performance results for the relevant PIDs demonstrate that Qwest activates NXX codes for CLECs in a timely and complete manner on a nondiscriminatory basis. Buhler Decl. ¶¶ 209-10. In May 2003, Qwest loaded and tested 100% percent of the CLEC NXX codes

prior to the LERG effective date or the revised effective date (there were no CLEC code activations in March, April or June 2003). *Id.* ¶ 209. There were no Qwest NXX code activations in the latest four months. *Id.* In fact, region-wide Qwest completed 100% of the NXX code activations on time in March and June 2003 (there were no Qwest activations in April or May 2003 by which to compare the parity standard). *Id.* ¶ 210.

10. Checklist Item 10: Databases and Associated Signaling

Qwest provides nondiscriminatory access to its call-related databases and the associated signaling necessary for call routing and completion in compliance with Section 271(c)(2)(B)(x) of the 1996 Act and the FCC's rules. Qwest has concrete and specific legal obligations to provide CLECs with such access pursuant to its SGAT and its ACC-approved interconnection agreements. Declaration of Margaret Bumgarner, Call-Related Databases and Associated Signaling ("Bumgarner Databases/Signaling Decl."), Att. 5, App. A, ¶¶ 3, 10. The Arizona Commission has found that Qwest satisfies Checklist Item 10. *Id.* ¶¶ 8, 48-50; *Arizona Checklist Item 10 Supplemental Approval Order* at 8-9; *Arizona Checklist Item 10 Approval Order* at 4-5. Moreover, this Commission previously has determined that Qwest meets the requirements of this checklist item in each of the other states in its region. *Qwest 9-State Order*, 17 FCC Rcd at 26507 ¶ 366; *Qwest 3-State Order* ¶ 111; *Qwest Minnesota Order* ¶ 59.

Consistent with the FCC's rules, Qwest provides CLECs with unbundled, nondiscriminatory access to its signaling network, including signaling links and signaling transfer points ("STPs"), and to Qwest's call-related databases and service management systems ("SMS"). Bumgarner Databases/Signaling Decl. ¶ 15, 24. Reseller CLECs and CLECs using unbundled local switching have exactly the same access to Qwest's signaling network that Qwest uses to provide services to its own retail customers. *Id.* ¶ 19. CLECs that use their own switching facilities can obtain access to Qwest's signaling network by self-provisioning or

purchasing unbundled signaling links to facilitate signaling among their own switches, Qwest end office and tandem switches, the switches of other carriers connected to the Qwest SS7 network, and call-related databases. *Id.* ¶ 20. CLECs that use their own switching facilities can obtain access to Qwest's STPs by interconnecting their switches directly to Qwest's STPs or interconnecting their STPs with Qwest's STPs. *Id.* Qwest's signaling network and call-related databases automatically handle all call routing and database queries in the same manner, regardless of whether a query originates on a CLEC network or on Qwest's network. *Id.* ¶ 26. Qwest's signaling network commingles all call routing messages and database queries, and Qwest's call-related databases process all queries on a first-come, first-served basis. *Id.*

Qwest also provides CLECs with unbundled access to the STPs linked to Qwest's call-related databases. *Id.* ¶ 5. Qwest's call-related databases include the Line Information database ("LIDB"), InterNetwork Calling Name ("ICNAM") database, Toll Free Calling ("8XX") database, Local Number Portability ("LNP") database, Enhanced ("E911") database, and Advanced Intelligent Network ("AIN") database. *Id.* ¶¶ 27-44. If any additional databases are determined to be necessary for call routing and completion, Qwest will make such databases and associated signaling available to requesting carriers. *Id.* ¶ 45.

In addition to providing CLECs with access to its signaling network, STPs, and call-related databases, Qwest provides CLECs with access to Qwest's SMS in order to create, modify, or update information in the call-related databases, and to Qwest's service creation environment in order to design, create, test, and deploy AIN-based services. *Id.* ¶ 6.

Qwest's call-related database updating processes commingle updates for Qwest and updates for CLECs, and thus do not distinguish between them. Buhler Decl. ¶ 212. Due to the nondiscriminatory manner ("parity by design") in which the updates are performed, the

performance results are not disaggregated for Qwest and CLECs, and there is no benchmark objective for these PIDs. *Id.*

a) Qwest Is Providing Commercial Volumes at an Acceptable Level of Quality

As of May 31, 2003, the most recent period for which data are available, seven facilities-based CLECs in Arizona were purchasing unbundled access to Qwest's signaling network. As of the same date, three facilities-based carriers were purchasing access to Qwest's 8XX database, one was purchasing access to Qwest's LIDB, two were purchasing access to Qwest's ICNAM database, none was purchasing access to Qwest's AIN database, three were purchasing access to Qwest's LNP database, and 18 facilities-based CLECs were accessing the E911 database. Bumgarner Databases/Signaling Decl. ¶ 51.

b) Qwest's Commercial Performance is Excellent

Qwest's LIDB update process commingles Qwest and CLEC records and thus does not distinguish between updates for Qwest versus updates for CLECs. *Id.* ¶ 30. Similarly, Qwest's E911 database update processes do not distinguish between updates for Qwest and updates for CLECs. *Id.* In addition, Intrado, Inc., the third party entity that manages Qwest's E911 database, has committed to providing E911 database management services to all CLECs and independent companies operating in the Qwest region in a manner that is competitively neutral to, and at parity with, that provided to Qwest. *Id.* ¶ 38. Due to the nondiscriminatory manner ("parity by design") in which the LIDB and E911 updates are performed, the performance results are not disaggregated for Qwest and CLECs. Buhler Decl. ¶ 198.

From March through June 2003, Qwest completed updates to the LIDB in an average of between 1.02 and 1.42 seconds. *Id.* ¶ 213.

11. Checklist Item 11: Local Number Portability

Qwest satisfies the requirements of Section 271(c)(2)(B)(xi) of the 1996 Act and the FCC's number portability regulations. Specifically, Qwest has complied with the FCC's long-term local number portability ("LNP") implementation schedule; performance criteria; technical, operational, architectural, and administrative requirements; and cost recovery rules for LNP. Declaration of Margaret S. Bumgarner ("Bumgarner LNP Decl."), Att. 5, App. A, ¶ 3. Qwest has concrete and specific legal obligations to provide LNP pursuant to Section 10.2 of its SGAT and through its ACC-approved interconnection agreements. *Id.* The Arizona Commission has found that Qwest satisfies Checklist Item 11. *Id.* ¶¶ 3, 31-32; *Arizona Checklist Item 11 Approval Order* at 12. Moreover, this Commission previously has determined that Qwest meets the requirements of Checklist Item 11 in each of the other states in its region. *Qwest 9-State Order*, 17 FCC Rcd at 26508 ¶ 368; *Qwest 3-State Order* ¶ 111; *Qwest Minnesota Order* ¶ 59.

As of October 2000, Qwest had deployed long-term number portability throughout Arizona, making LNP available to 100 percent of Qwest's access lines in the state. Bumgarner LNP Decl. ¶ 4. Qwest deployed LNP and completed switch selection in Arizona in full compliance with the FCC's deployment schedule. *Id.* Qwest also has complied with the FCC's LNP performance criteria through its deployment of LNP utilizing the Location Routing Number ("LRN") method in conformance with industry guidelines. *Id.* ¶ 5. The FCC has recognized the LRN method as consistent with the FCC's LNP performance criteria. *Id.*

In addition, Qwest has complied with the FCC's technical, operational, architectural, and administrative requirements for number portability by (1) integrating National Portability Administration Center ("NPAC") Service Management System ("SMS") Provisioning Process Flows into its number porting functions and OSS; (2) implementing number portability

in compliance with the NPAC SMS Functional Requirements Specification (“FRS”) and Interoperable Interface Specification (“IIS”); (3) developing processes to port reserved numbers in compliance with North American Numbering Council (“NANC”) policies; (4) complying with the NANC’s change management process; (5) designing Qwest’s network to perform database queries as the N-1 carrier; and (6) integrating a process for the “snapback” of disconnected ported numbers to the service provider listed in the national Local Exchange Routing Guide (“LERG”). *Id.* ¶ 28.

Finally, Qwest has complied with the FCC’s cost recovery rules for LNP by establishing monthly number portability charges and number portability query charges in its Tariff F.C.C. No. 1 (formerly Tariff F.C.C. No. 5). *Id.* ¶ 30. The FCC found the LNP charges in this tariff to be reasonable and lawful in an order released July 16, 1999. *Long-Term Number Portability Tariff Order*, 14 FCC Rcd at 11985 ¶ 3.

a) Qwest Is Providing Commercial Volumes at an Acceptable Level of Quality

As of May 31, 2003, Qwest had ported 685,547 telephone numbers in Arizona. Bumgarner LNP Decl. ¶ 33.

b) Qwest’s Commercial Performance Is Excellent

Qwest consistently performed above the 95% benchmark for PIDs OP-8B and OP-8C in each month between March and June 2003. Buhler Decl. ¶ 216. During that period, Qwest set between 98.92% and 100% of LNP triggers for coordinated loop cutovers prior to the scheduled start time for the loop. *Id.* In the same period, Qwest set 99.53% and 99.68% of LSA triggers for LNP orders not requiring loop coordination prior to the scheduled start time for the LNP cutover. *Id.* Qwest also completed between 99.62% and 100% of CLEC ports without implementing associated disconnects before the scheduled time/date, consistently performing in

excess of the 98.25% benchmark for OP-17. *Id.* In addition, in the same period, Qwest cleared all the wholesale LNP troubles reports it received within the 4-hour and 48-hour timeframes of MR-11A and MR-11B. *Id.*

12. Checklist Item 12: Local Dialing Parity

Qwest satisfies the requirements of Sections 271(c)(2)(B)(xii) and 251(b)(3) of the 1996 Act regarding dialing parity. Qwest has concrete and specific legal obligations to provide dialing parity pursuant to its SGAT and its ACC-approved interconnection agreements. SGAT § 14.0; Declaration of Margaret S. Bumgarner (“Bumgarner Dialing Parity Decl.”), Att. 5, App. A, ¶ 3. The Arizona Commission has found that Qwest satisfies Checklist Item 12. *Id.* ¶¶ 3, 15-16; *Arizona Checklist Items 8/9/12 Approval Order* at 3. In addition, this Commission previously has determined that Qwest meets the requirements of Checklist Item 12 in each of the other states in its region. *Qwest 9-State Order*, 17 FCC Rcd at 26514-15 ¶ 379; *Qwest 3-State Order* ¶ 111; *Qwest Minnesota Order* ¶ 59.

Qwest provides dialing parity to competitive providers of telephone exchange service and telephone toll service. Bumgarner Dialing Parity Decl. ¶¶ 11-12. Qwest does not discriminate against CLECs with respect to the number of digits dialed, post-dialing delays, or quality of service. *Id.* ¶ 11. Both CLEC and Qwest customers dial the same number of digits without any access codes for local and toll telephone calls and to access operator and directory assistance services. *Id.* ¶ 12.

Qwest also provides CLECs with the same quality of service that Qwest provides to its own end users with no additional post-dialing delays. *Id.* ¶ 13. First, Qwest does not impose any requirement or technical constraint that would cause CLEC customers to experience longer post-dialing delays or inferior quality service. *Id.* Second, the design of Qwest’s systems and processes ensures the equal treatment of all end user calls. *Id.* ¶ 14. The processing of calls

in Qwest's central offices is the same for both CLEC and Qwest customers. *Id.* Qwest's network does not distinguish between calls from CLEC end users and calls from Qwest end users. *Id.*

Because the design of Qwest's network ensures that all customers receive the same dialing intervals and quality of service, the participants in the Arizona TAG determined that performance measures and testing are not necessary for this checklist item. *Id.* The FCC also has determined that performance measures are not necessary for this checklist item. *Id.*; *Local Competition/Area Code Relief Second Report and Order*, 11 FCC Rcd 19407, 19467 ¶ 162 (1996).

13. Checklist Item 13: Reciprocal Compensation

Qwest complies with the FCC's reciprocal compensation requirements in that Qwest's SGAT provides for Qwest and interconnecting local carriers to pay one another symmetrical rates for the transport and termination of local telecommunications traffic. *See Qwest 9-State Order* ¶ 379 ("In addition to showing compliance with the statutory requirements discussed above . . . we conclude, as did each of the state commissions, that Qwest complies with the requirements of . . . checklist item . . . 13."); *see also generally* SGAT § 7.3. For transport, interconnecting local carriers may choose Qwest's Direct Trunked Transport, Tandem Switched Transport, or a combination of the two. Declaration of Thomas R. Freeberg, Reciprocal Compensation ("Freeberg Recip. Comp. Decl."), Att. 5, App. A, ¶¶ 20-30. Each option provides transmission of local telecommunications traffic from the interconnection point between the two carriers to the terminating carrier's end office switch or equivalent facility.

When Qwest fulfills a CLEC request for two-way trunk groups used for transport of interconnected traffic, Qwest's cost recovery emulates one-way trunking. A "relative use factor" reduces a CLEC's flat-rated transport charges by reflecting only the proportion of local

traffic that flows to Qwest from the CLEC over the trunk. *Id.* ¶¶ 25-26. Usage sensitive charges are applied by Qwest only to those specific minutes of traffic flowing from a CLEC toward Qwest. At no additional charge, Qwest agreed to allow CLECs to establish a local exchange service trunk group on idle channels transport purchased from exchange access tariffs. *See* SGAT § 7.3.1.1.2; Freeberg Recip. Comp. Decl. ¶ 27. When CLECs use spare special access channels for local exchange traffic, the Arizona Commission reached the conclusion that CLECs should pay for commingled facilities according to how the facilities are used. Under this arrangement, some DS1 channels of a DS3 facility may carry solely intrastate exchange access traffic (*i.e.*, long distance traffic priced at tariffed rates) and some DS1 channels carry solely local traffic (*i.e.*, interconnection trunks priced at TELRIC rates). *See* Freeberg Recip. Comp. Decl. ¶ 27; *see also* *US West Communications, Inc.'s Compliance with Section 271 of the Telecommunications Act of 1996*, Docket No. T-00000A-97-0238, Order, Decision No. 64600, at 15-16 (Ariz. Corp. Comm'n, March 4, 2002) ("*Arizona Checklist Item 1 Order*").

Qwest also provides Tandem Switched Transport to enable interconnecting carriers to complete local calls to every end office connected to a Qwest tandem by establishing just one new trunk group. Freeberg Recip. Comp. Decl. ¶ 27. Tandem Switched Transport is a per-minute charge to recover the cost of tandem switching and of transport from the tandem to the end office, since trunks between these offices are used in "common" with other services. *Id.* A per-minute rate also applies to common transport from host switching offices to remote switching offices in a host-remote switching cluster. *Id.* ¶ 28.

Call Termination charges help recover the cost of switching of local telecommunications traffic at the terminating carrier's end office switch (or equivalent facility) for delivery to the called party's premises. Where reciprocal compensation payments are

required, Qwest has charged, and has paid, a per-minute rate for the use of the end office terminating switch. *Id.* ¶ 29.

While not relevant to whether Qwest has demonstrated satisfaction of Checklist Item 13, Qwest has implemented the *FCC ISP Order* on reciprocal compensation for Internet-bound traffic. Where Qwest and another carrier were engaged in a bill-and-keep form of reciprocal compensation at the time the *FCC ISP Order* on reciprocal compensation for Internet-bound traffic was released, the carriers were unaffected. For other CLECs, under Section 7.3.6 of the SGAT, Qwest generally elects to exchange all Internet-bound traffic at the FCC-ordered rate, and Qwest makes clear the rate for ISP-bound traffic applies in lieu of the End Office Call Termination rate and the Tandem Switched Transport rate. SGAT § 7.3.4.3. Because Qwest has elected to exchange ISP-bound traffic at the rates ordered in the *FCC ISP Order*, compensation is paid at rates specified therein for usage-based intercarrier compensation configurations exchanging traffic pursuant to interconnection agreements as of April 18, 2001, when the *FCC ISP Order* was adopted. *See* Freeberg Recip. Comp. Decl. ¶ 32; *see generally* SGAT §§ 7.3.6.1-7.3.6.2.

In addition, CLECs have two options for the rating of EAS/Local traffic, *i.e.*, traffic subject to § 251(b)(5) of the Act: (1) in lieu of the End Office Call Termination rate and Tandem Switched Transport rate, the rates applicable to § 251(b)(5) traffic will be the same as those established for ISP-bound traffic, *id.* § 7.3.4.4.1; or (2) at a rate established by the ACC, and pursuant to a process collaboratively established by Qwest and the CLEC to distinguish § 251(b)(5) traffic from ISP-bound traffic. Freeberg Recip. Comp. Decl. ¶ 33; SGAT §§ 7.3.4.4.1, 7.3.4.4.2.

Qwest also offers transit service that allows CLECs to interconnect indirectly with other local carriers using Qwest's tandem, thus allowing a CLEC to avoid investment in facilities